

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
BRUCE WILBORN,)	
Plaintiff,)	
)	Civil Action No.
v.)	19-cv-12050-NMG
)	
CHARLENE BONNER, et al.,)	
Defendants.)	
_____)	

ORDER

GORTON, J.

Pro se litigant Bruce Wilborn, who is incarcerated at MCI Cedar Junction, brings this action under 42 U.S.C. §§ 1983 and 1988 in which he alleges that members of the Massachusetts Parole Board ("Board") violated his rights to due process and equal protection with regard to a parole review hearing on May 17, 2018 and the ensuing September 4, 2019 decision of the Board. Wilborn commenced this action on October 1, 2019.

This is not the first time Wilborn has challenged the May 17, 2018 parole review hearing and subsequent Board decision. In the complaint filed in Wilborn v. Treseler, C.A. No. 17-cv-10858-ADB (D. Mass.), Wilborn challenged a February 9, 2016 parole hearing and resulting decision of the Board and sought a new parole hearing. The case was closed on March 22, 2018, after Wilborn filed a notice of voluntary dismissal (Docket No. 28) indicating that the parties had reached a settlement. On

September 9, 2019, however, Wilborn filed a motion (Docket No. 29) to vacate the notice of voluntary dismissal, claiming that the May 17, 2018 hearing was not constitutionally adequate and that the Board had engaged in fraud and otherwise breached their 2018 settlement agreement. On October 15, 2019, almost a week after commencing this new action, Wilborn filed a motion in Wilborn v. Treseler, C.A. No. 17-cv-10858-ADB (Docket No. 35) to withdraw his motion to vacate the voluntary dismissal. He states in the motion that "he and Defendants have reached an agreement concerning matters raised in his motion to vacate." Id.

In light of Wilborn's representation in Wilborn v. Treseler, C.A. No. 17-cv-10858-ADB (Docket No. 35), that he and the Board members have reached an agreement concerning the May 17, 2018 hearing and later Board decision, the Court questions whether Wilborn intends to pursue the present action and incur the obligation to pay the filing fee.

Accordingly, the Court requests that Wilborn give the Court prompt notice whether he wishes to pursue this action. If Wilborn has not voluntarily dismissed this action within twenty-eight (28) days of the date of this order, the Court will proceed in the normal course of business to adjudicate Wilborn's pending motions and conduct a preliminary review of the

complaint pursuant to 28 U.S.C. §§ 1915(e)(2) and 1915A.

So ordered.

/s/ Nathaniel M. Gorton
Nathaniel M. Gorton
United States District Judge

Dated: 10/24/2019